

**BOARD MEMBERS**

Brian Haren, Chairman  
John H. Culbreth, Sr., Vice-Chairman  
Al Gilbert  
Jim Graw  
Arnold L. Martin, III

**STAFF**

Peter A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator

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**AGENDA**  
**FAYETTE COUNTY PLANNING COMMISSION MEETING**  
**140 STONEWALL AVENUE WEST**  
**May 18, 2017**  
**7:00 pm**

**\*Please turn off or turn to mute all electronic devices during the  
Planning Commission Meetings**

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1. Consideration of the Minutes of the meeting held on May 4, 2017.

**NEW BUSINESS**

2. Consideration of a Minor Subdivision Plat of William Mercer Massengale Disclaimer By-Pass Trust. The property will consist of one residential lot zoned A-R, is located in Land Lots 131 & 132 of the 4<sup>th</sup> District and fronts on Massengale Road.
3. Consideration of a Final Plat of Waterlace. The property will consist of one residential lot zoned A-R, is located in Land Lots 131 & 132 of the 4<sup>th</sup> District and fronts on Massengale Road.
4. Discussion of A-R Wedding and Event project.
5. Discussion of amendments to Chapter 110. Zoning Ordinance, regarding Articles VII. - Zoning Board of Appeals, Article IX. - Policies, Procedures and Standards Governing Amendments and Article X. - Planning Commission.

**OLD BUSINESS**

6. Discussion of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-149. - Planned Unit Development concerning Planned Residential and Business Development-Planned Unit Development (PRBD-PUD) zoning district.

To: Fayette County Planning Commission  
From: Channele Blaine, Zoning Administrator  
Date: May 12, 2017  
Subject: Final Plat of Waterlace Pod A3 and Minor Subdivision Plat of William Mercer  
Massengale Disclaimer By-Pass Trust to be considered on May 18, 2017

**FINAL PLAT**

**OWNER/APPLICANT**

Waterlace Pod A3

Canoe Club Partners

Recommend **APPROVAL** for the Final Plat signed 5/12/17 with one condition as follows:

The final plat shall remain in the Planning and Zoning Department until the Environmental Management Department has received both the performance bond and maintenance bond for the subdivision.

**MINOR SUBDIVISION PLAT**

**OWNER/APPLICANT**

Minor Subdivision Plat of Huddleston Estate

Johnny C. Huddleston

Recommend **APPROVAL** for the Minor Subdivision Plat signed 5/5/17.







PARCEL TABLE					PARCEL TABLE				
LOT #	AREA (SQ.FT.)	AREA (AC.)	CONTIGUOUS AREA (AC.)	LOT CLOSURE (1:X)	LOT #	AREA (SQ.FT.)	AREA (AC.)	CONTIGUOUS AREA (AC.)	LOT CLOSURE
51	45,682	1.05	0.54	2,388,308	91	50,528	1.16	0.69	1,228,568
52	46,073	1.06	0.57	1,962,842	92	64,043	1.47	0.30	716,259
53	46,437	1.07	0.62	1,733,730	93	49,296	1.13	0.41	11,421,610
54	51,334	1.18	0.67	1,333,138	94	49,814	1.14	0.42	2,468,325
55	47,495	1.09	0.68	1,444,111	95	54,772	1.26	0.69	1,194,024
56	45,208	1.04	0.64	3,247,603	96	58,410	1.34	0.73	1,671,405
57	44,086	1.01	0.62	1,063,611	97	48,677	1.12	0.62	2,456,132
58	44,129	1.01	0.58	1,368,493	98	53,168	1.22	0.74	1,874,993
59	46,762	1.07	0.66	1,634,615	99	52,817	1.21	0.75	1,247,035
60	54,011	1.24	0.80	2,032,846	100	46,322	1.06	0.65	1,668,188
61	58,490	1.34	0.87	1,348,256	101	44,456	1.02	0.62	1,926,838
62	63,414	1.46	0.91	1,402,506	102	44,411	1.02	0.62	9,605,690
63	47,068	1.08	0.56	1,275,743	103	44,414	1.02	0.63	9,606,230
64	47,391	1.09	0.61	10,138,850	104	47,404	1.09	0.68	4,898,230
65	44,191	1.01	0.53	1,633,906	105	51,966	1.19	0.76	2,040,556
66	46,024	1.06	0.65	4,952,465	106	46,884	1.08	0.67	1,446,492
67	55,054	1.26	0.39	1,476,752	107	44,811	1.03	0.62	4,618,605
68	59,822	1.37	0.31	767,357	108	58,247	1.34	0.85	1,350,363
69	43,752	1.00	0.30	514,646	109	49,306	1.13	0.71	2,603,657
70	44,048	1.01	0.32	933,237	110	45,171	1.04	0.63	1,632,031
71	55,866	1.28	0.30	480,425	111	44,478	1.02	0.62	1,896,210
72	59,939	1.38	0.39	1,222,383	112	45,421	1.04	0.64	938,757
73	67,694	1.55	0.42	1,076,746					
74	54,259	1.25	0.30	2,179,232					
75	56,561	1.30	0.78	1,267,291					
76	50,167	1.15	0.69	4,567,905					
77	44,072	1.01	0.60	992,345					
78	43,736	1.00	0.61	1,155,181					
79	44,721	1.03	0.63	947,350					
80	43,979	1.01	0.60	1,186,008					
81	44,640	1.02	0.61	4,643,420					
82	46,213	1.06	0.56	1,860,542					
83	52,549	1.21	0.63	1,345,585					
84	44,383	1.02	0.62	1,777,794					
85	43,923	1.01	0.61	756,127					
86	43,970	1.01	0.62	2,296,900					
87	44,467	1.02	0.63	774,091					
88	44,310	1.02	0.62	1,554,920					
89	44,103	1.01	0.61	1,818,738					
90	44,016	1.01	0.59	730,605					

LEGEND

CMF	CONCRETE MONUMENT FOUND
IPF	IRON PIN FOUND
IPS	IRON PIN SET
O	POINT
RB	REBAR
OTF	OPEN TOP PIPE
R/W	RIGHT-OF-WAY
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
D.B./PG.	DEED BOOK/PAGE
N/F	NOW OR FORMERLY
NO.	NUMBER
REF.	REFERENCE
C	CENTERLINE
AC.	ACRES
SQ. FT.	SQUARE FEET
B/L	BUILDING SETBACK LINE
HW	HEADWALL
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PP	POWER POLE
DE	STORM DRAINAGE EASEMENT
SSE	SANITARY SEWER EASEMENT
BLF	LOT WIDTH AT BUILDING LINE
FZ	AREA OUTSIDE 100 YEAR FLOOD ZONE
SWCB	SINGLE WING CATCH BASIN (SWCB)
DWCB	DOUBLE WING CATCH BASIN (DWCB)
WI	WEIR INLET (WI)
JB	JUNCTION BOX (JB)
HW	HEADWALL (HW)
FD	FIRE HYDRANT
WVM	WATER VALVE MONUMENT (WVM)
PL	PROPERTY LINE
EL	EASEMENT LINE
LL	LAND LOT LINE
FL	FENCE LINE
100 YR FLOOD ELEVATION	

CONTIGUOUS LOT STATEMENT:  
EACH RESIDENTIAL BUILDING LOT HAS A MINIMUM CONTIGUOUS AREA OF 0.30 ACRES THAT IS FREE AND CLEAR OF ZONING SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND.

CERTIFICATE OF RECORDING

CERTIFICATION AS TO RECORDING  
THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN  
RECORDED IN PLAT BOOK  
PAGE \_\_\_\_\_ OF FAYETTE COUNTY  
RECORDED ON \_\_\_\_\_, 2017.  
CLERK, SUPERIOR COURT  
FAYETTE COUNTY, GEORGIA

**LOWE**  
ENGINEERS

990 HAMMOND DRIVE  
SUITE 900  
ATLANTA, GEORGIA 30328  
TEL: 770-857-8400  
FAX: 770-857-8401

FINAL PLAT  
OF  
CANOE CLUB AT WATERLACE  
POD A3  
FOR  
CANOE CLUB PARTNERS, LLC  
3350 RIVERWOOD PARKWAY ~ SUITE 750  
ATLANTA, GEORGIA 30339

7TH DISTRICT  
GEORGIA

PROJ. NO: 16-0127  
DATE: MARCH 6, 2017  
SCALE: N/A  
DWG. NO: SHEET 2 OF 10

ROAD CENTERLINE CURVE DATA

Curve # 4-3  
Radius: 500.00'  
Delta: 10°07'05"RIGHT\_  
Length: 88.30'  
Tangent: 44.26'  
Chord: 88.18'  
Chord Dir.: S11°32'03"W

Curve # 4-4  
Radius: 200.00'  
Delta: 26°19'47"RIGHT\_  
Length: 91.91'  
Tangent: 46.78'  
Chord: 88.18'  
Chord Dir.: S29°45'29"W

Curve # 4-5  
Radius: 500.00'  
Delta: 49°39'23"LEFT\_  
Length: 433.33'  
Tangent: 231.33'  
Chord: 419.90'  
Chord Dir.: S18°05'41"W

Curve # 4-6  
Radius: 850.00'  
Delta: 16°25'07"RIGHT\_  
Length: 243.57'  
Tangent: 122.63'  
Chord: 242.74'  
Chord Dir.: S01°28'33"W

Curve # 4-7  
Radius: 170.00'  
Delta: 67°08'30"LEFT\_  
Length: 199.21'  
Tangent: 112.82'  
Chord: 188.01'  
Chord Dir.: S23°53'09"E

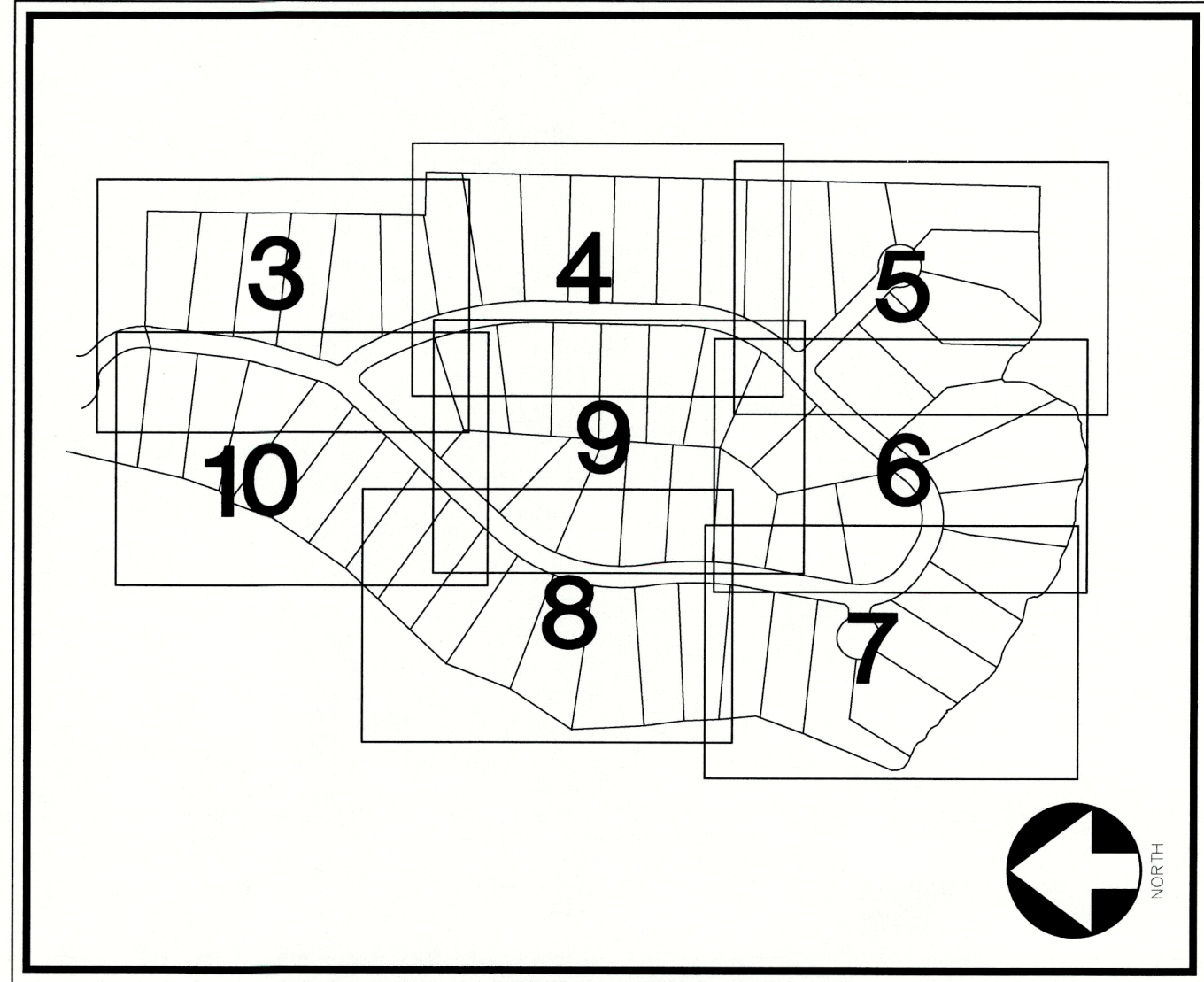
Curve # 4-8  
Radius: 170.00'  
Delta: 83°40'00"LEFT\_  
Length: 248.24'  
Tangent: 152.18'  
Chord: 226.77'  
Chord Dir.: N80°42'37"E

Curve # 4-9  
Radius: 2000.00'  
Delta: 08°59'13"RIGHT\_  
Length: 313.70'  
Tangent: 157.17'  
Chord: 313.38'  
Chord Dir.: N43°22'13"E

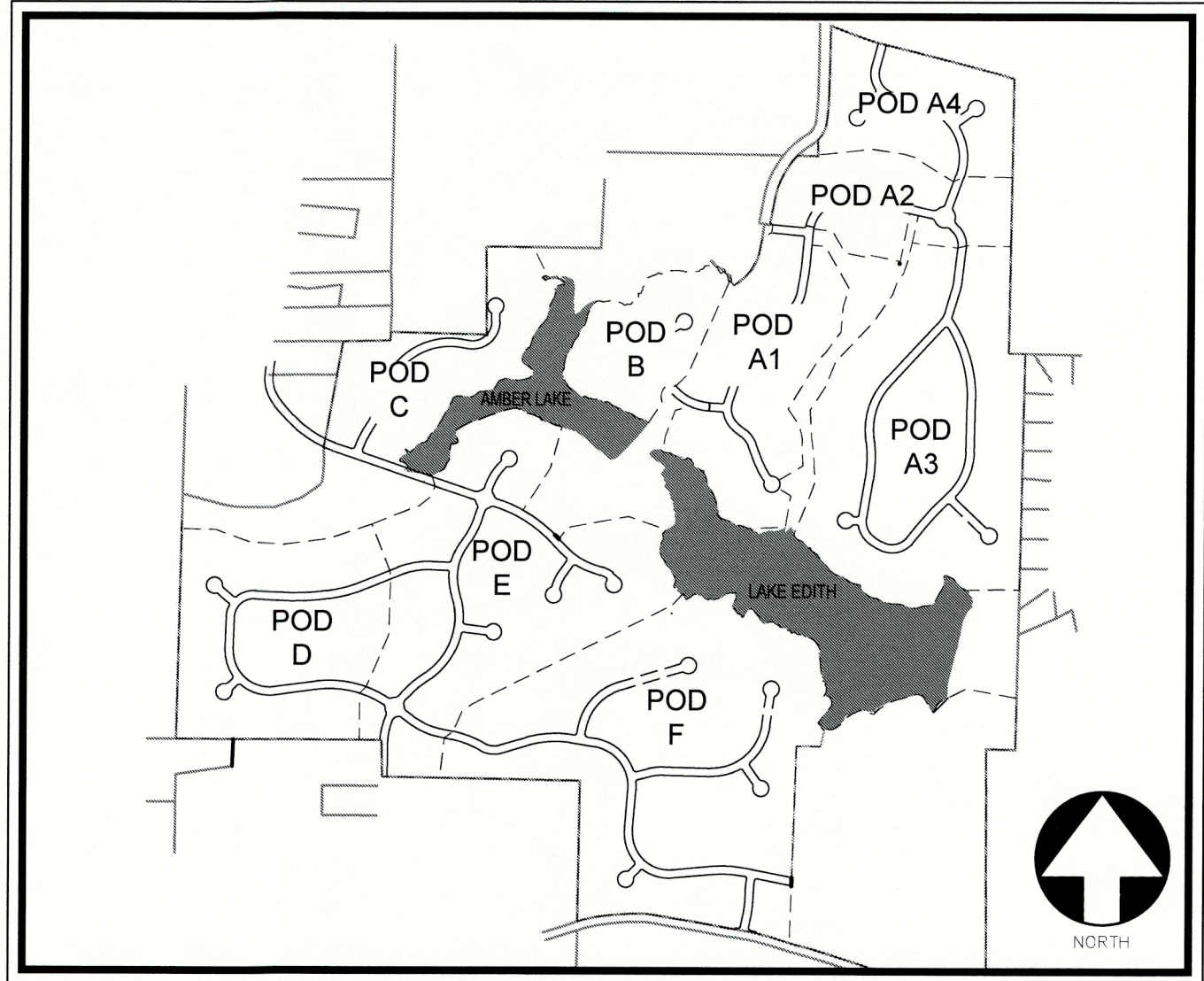
Curve # 4-10  
Radius: 450.00'  
Delta: 46°40'39"LEFT\_  
Length: 366.60'  
Tangent: 194.16'  
Chord: 356.54'  
Chord Dir.: N24°31'30"E

Curve # 4-11  
Radius: 1000.00'  
Delta: 36°24'50"LEFT\_  
Length: 635.54'  
Tangent: 328.92'  
Chord: 624.90'  
Chord Dir.: N17°01'15"W

Curve # 4-12  
Radius: 175.00'  
Delta: 24°58'38"LEFT\_  
Length: 76.29'  
Tangent: 38.76'  
Chord: 75.69'  
Chord Dir.: N41°21'53"W



SHEET INDEX  
N.T.S.



POD INDEX MAP  
N.T.S.



N/F  
LESTER ROAD, LLC D.B. 2544  
PG. 341 ZONED AR

N/F  
SCARBROUGH &  
ROLADER  
ZONED R-40

CITY OF FAYETTEVILLE  
FAYETTE COUNTY

785.70' S00°52'18"W

IPF 1" OTP  
IPF 1-1/2" IRON BAR  
13.0' W

121.34'  
S88°46'42"E

POD A2 MATCHLINE

POD A3 MATCHLINE

LOT 112  
45,421 SQ. FT.  
1.04 ACRES

LOT 111  
44,478 SQ. FT.  
1.02 ACRES

LOT 110  
45,171 SQ. FT.  
1.04 ACRES

LOT 109  
49,306 SQ. FT.  
1.13 ACRES

LOT 108  
58,247 SQ. FT.  
1.34 ACRES

LOT 107  
44,811 SQ. FT.  
1.03 ACRES

LOT 106  
46,884 SQ. FT.  
1.08 ACRES

L=19.64'  
R=199.99'  
CH=19.63'  
CB=S03° 39' 43"E  
D=5.63'

LOT WIDTH = 125.08'  
40' B/L

204

206

L=93.60'  
R=530.00'  
CH=93.47'  
CB=S11° 32' 03"E  
D=10.12'

S16°35'35"W  
31.94'  
CB P1

L=60.50'  
R=1030.00'  
CH=60.49'  
CB=N27° 11' 37"W  
D=3.37'

L=25.87'  
R=20.00'  
CH=24.11'  
CB=S12° 17' 27"E  
D=74.13'

L=73.27'  
R=205.00'  
CH=72.88'  
CB=N39° 06' 54"W  
D=20.48'

BLUE POINT PARKWAY (60' R/W)

L=173.16'  
R=1030.00'  
CH=172.96'  
CB=N20° 41' 40"W  
D=9.63'

214

CURVE #4-11

216

LOT WIDTH = 125.07'  
40' B/L

GIS MONUMENT/BENCHMARK  
NORTHING: 1250776.550  
EASTING: 2190568.189  
ELEVATION: 968.48

203 BLUE POINT PARKWAY (60' R/W)

205

L=53.19'  
R=470.00'  
CH=53.16'  
CB=S09° 43' 01"E  
D=6.48'

LOT 51  
45,682 SQ. FT.  
1.05 ACRES

LOT 52  
46,073 SQ. FT.  
1.06 ACRES

LOT 53  
46,437 SQ. FT.  
1.07 ACRES

L=29.81'  
R=470.00'  
CH=29.81'  
CB=S14° 46' 33"E  
D=3.63'

L=77.78'  
R=170.00'  
CH=77.10'  
CB=N29° 48' 58"E  
D=26.21'

L=42.00'  
R=145.00'  
CH=41.85'  
CB=N37° 10' 26"W  
D=16.60'

L=190.28'  
R=970.00'  
CH=189.98'  
CB=N23° 15' 23"W  
D=11.24'

L=31.98'  
R=20.00'  
CH=28.68'  
CB=S88° 43' 37"W  
D=3.37'

LOT 83  
52,549 SQ. FT.

GEORGIA WEST ZONE  
NAD 83

NORTH

50 0 50 100 150  
GRAPHIC SCALE 1 INCH = 50 FEET



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FAYETTE COUNTY, GEORGIA

DESIGNED: MJZ  
DRAWN: MJZ  
CHECKED: WJD  
APPROVED: WJD

**LOWE**  
ENGINEERS

990 HAMMOND DRIVE  
SUITE 900  
ATLANTA, GEORGIA 30328  
TEL: 770-857-8400  
FAX: 770-857-8401

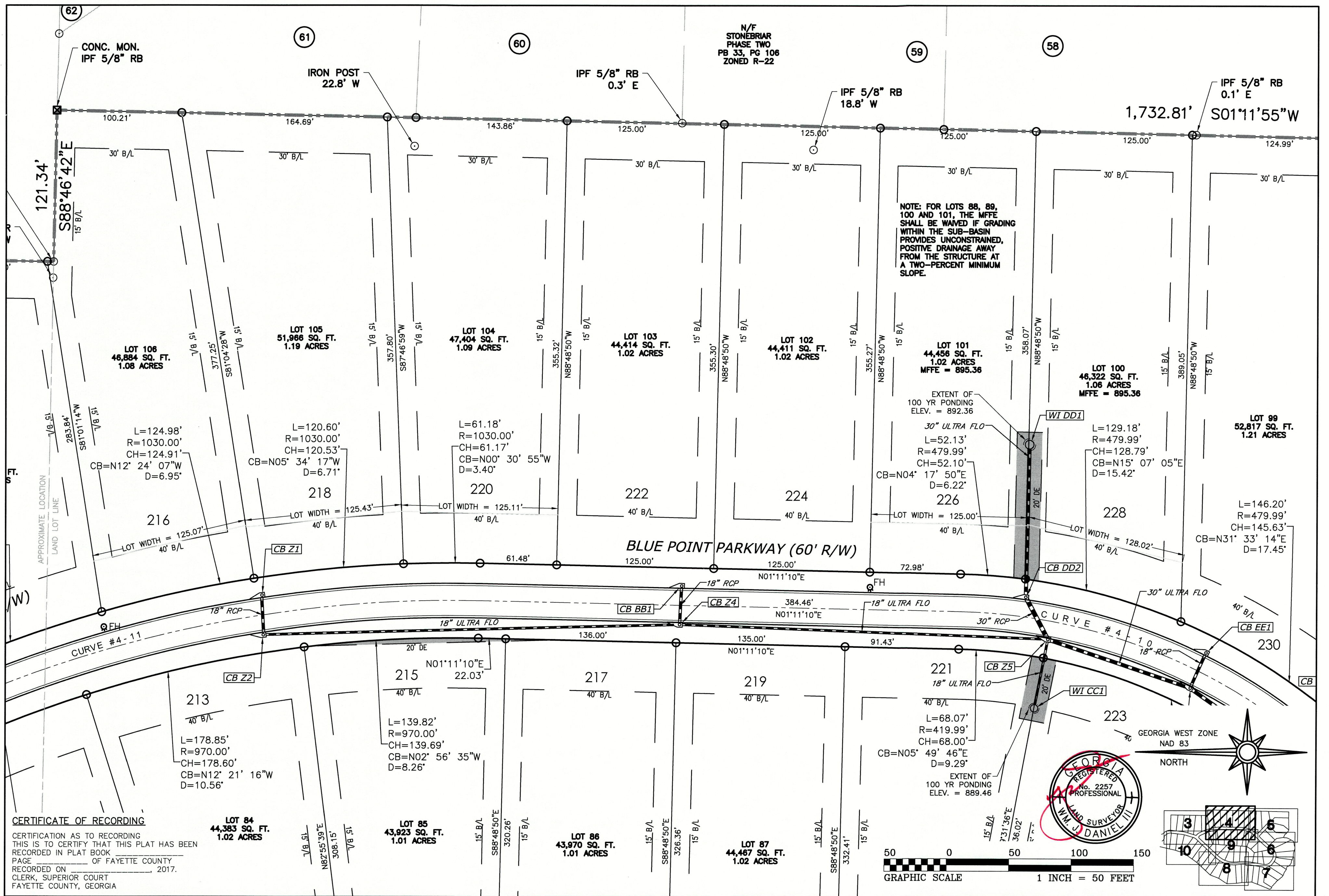
FINAL PLAT  
OF  
CANOE CLUB AT WATERLACE  
POD A3  
FOR  
CANOE CLUB PARTNERS, LLC  
3350 RIVERWOOD PARKWAY ~ SUITE 750  
ATLANTA, GEORGIA 30339

LAND LOTS 6, 7 & 27  
FAYETTE COUNTY

7TH DISTRICT  
GEORGIA

PROJ. NO: 16-0127  
DATE: MARCH 6, 2017  
SCALE: 1" = 50'  
DWG. NO: SHEET 3 OF 10





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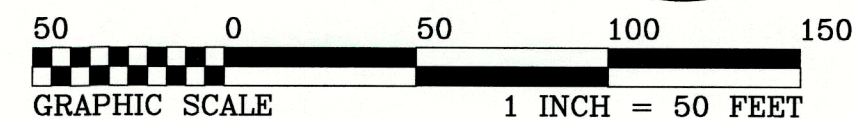
LOT 84  
44,383 SQ. FT.  
1.02 ACRES

LOT 85  
43,923 SQ. FT.  
1.01 ACRES

LOT 86  
43,970 SQ. FT.  
1.01 ACRES

LOT 87  
44,467 SQ. FT.  
1.02 ACRES

221  
18" ULTRA FLO  
40' B/L  
L=68.07'  
R=419.99'  
CH=68.00'  
CB=N05° 49' 46"E  
D=9.29'  
EXTENT OF  
100 YR PONDING  
ELEV. = 889.46



DESIGNED: MJZ  
DRAWN: MJZ  
CHECKED: WJD  
APPROVED: WJD

**LOWE**  
ENGINEERS

990 HAMMOND DRIVE  
SUITE 900  
ATLANTA, GEORGIA 30328  
TEL: 770-857-8400  
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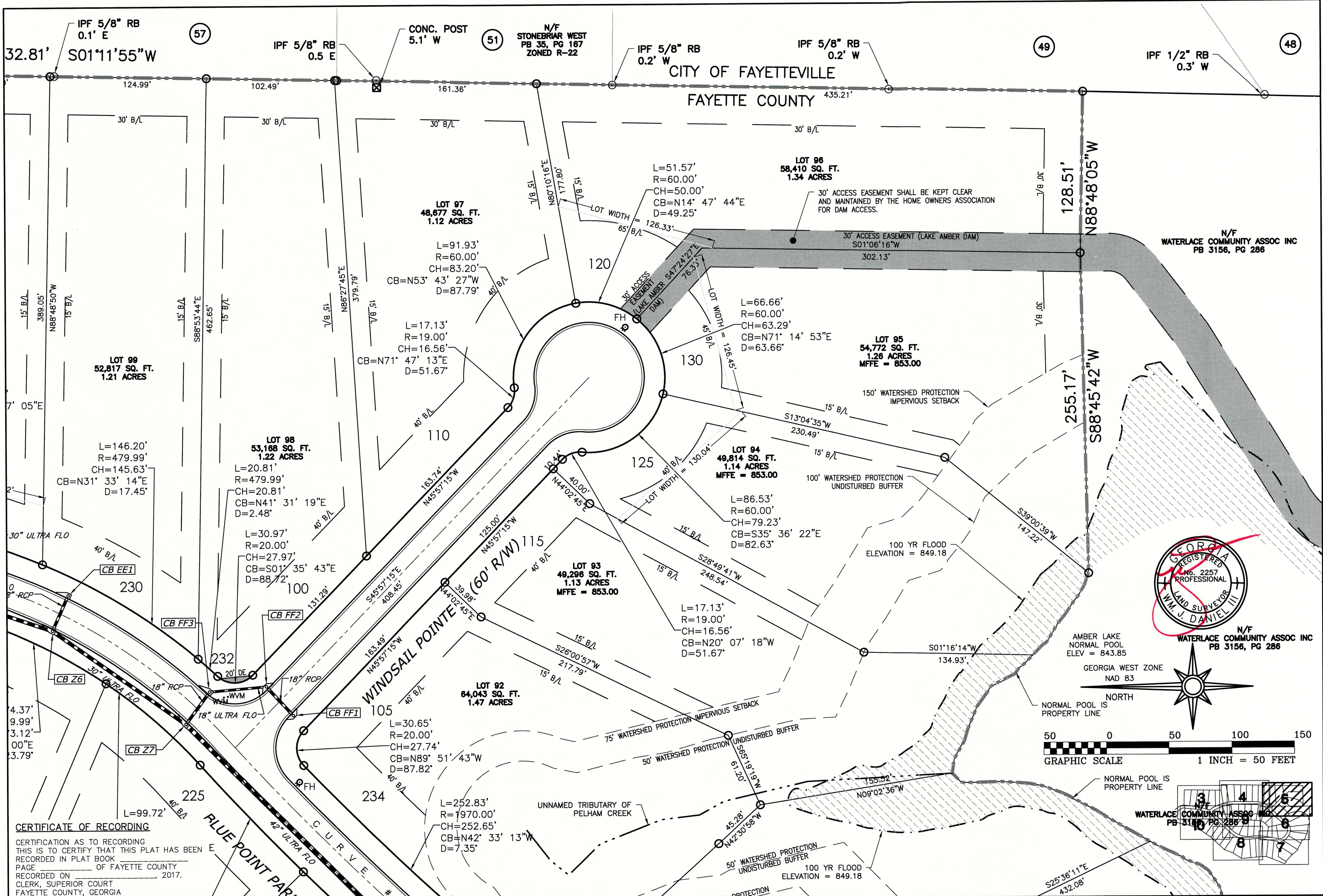
FINAL PLAT  
OF  
CANOE CLUB AT WATERLACE  
POD A3  
FOR  
CANOE CLUB PARTNERS, LLC  
3350 RIVERWOOD PARKWAY ~ SUITE 750  
ATLANTA, GEORGIA 30339

LAND LOTS 6, 7 & 27  
FAYETTE COUNTY

7TH DISTRICT  
GEORGIA

PROJ. NO: 16-0127  
DATE: MARCH 6, 2017  
SCALE: 1" = 50'  
DWG. NO: SHEET 4 OF 10





**CERTIFICATE OF RECORDING**

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RECORDED ON \_\_\_\_\_, 2017.  
CLERK, SUPERIOR COURT  
FAYETTE COUNTY, GEORGIA

DESIGNED:	MJZ
DRAWN:	MJZ
CHECKED:	WJD
APPROVED:	WJD
DATE	DESCRIPTION
REVISIONS	



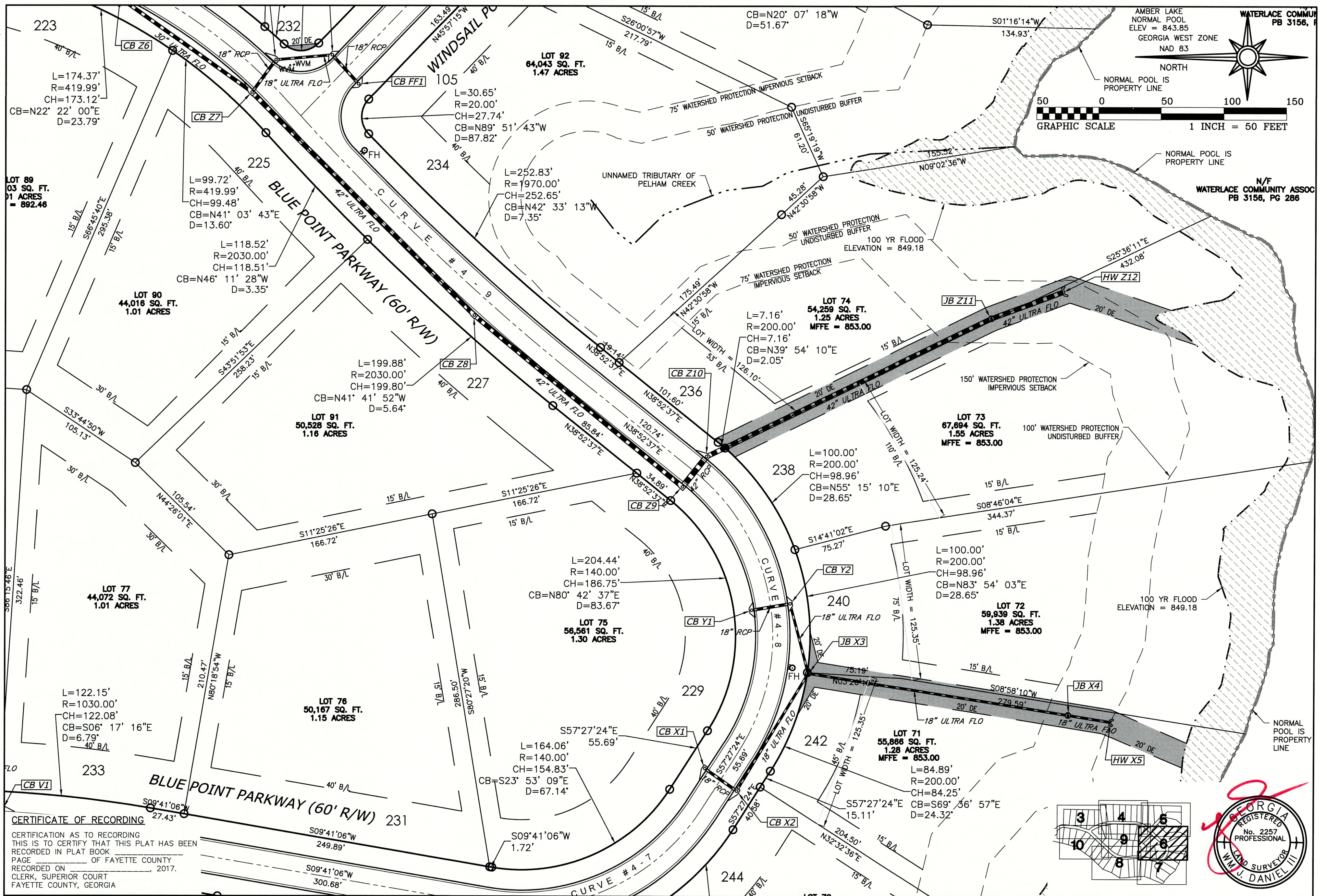
990 HAMMOND DRIVE  
SUITE 900  
ATLANTA, GEORGIA 30328  
TEL: 770-857-8400  
FAX: 770-857-8401

**FINAL PLAT**  
OF  
**CANOE CLUB AT WATERLACE**  
**POD A3**  
FOR  
**CANOE CLUB PARTNERS, LLC**  
3350 RIVERWOOD PARKWAY ~ SUITE 750  
ATLANTA, GEORGIA 30339

PROJ. NO.: 16-0127  
DATE: MARCH 6, 2017  
SCALE: 1" = 50'  
DWG. NO.: SHEET 5 OF 10

7TH DISTRICT  
GEORGIA

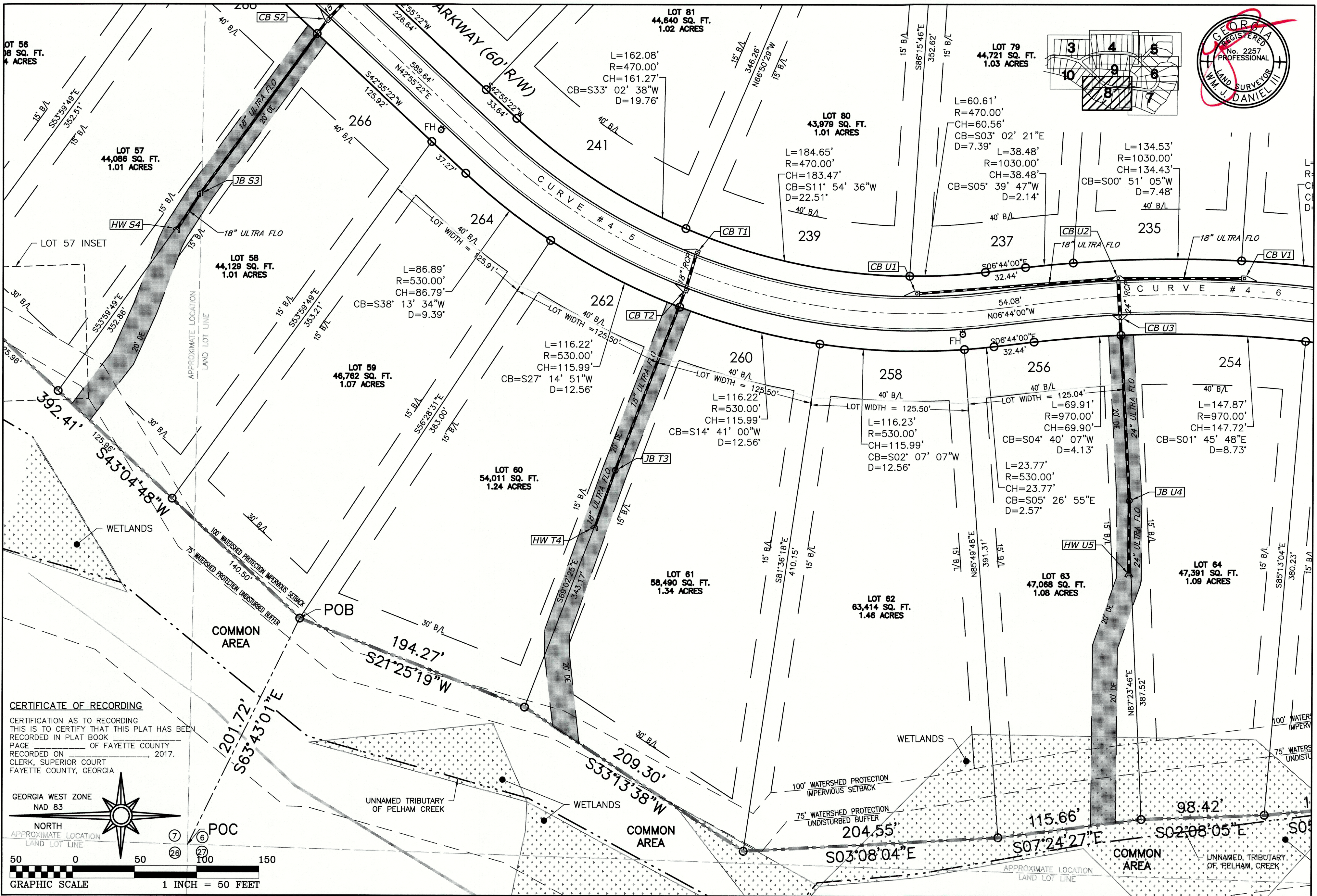












		DESIGNED: MJZ	<div>LOWEENGINEERS</div> <div>990 HAMMOND DRIVE SUITE 900 ATLANTA, GEORGIA 30328 TEL: 770-857-8400 FAX: 770-857-8401</div>	FINAL PLAT OF CANOE CLUB AT WATERLACE POD A3 FOR CANOE CLUB PARTNERS, LLC 3350 RIVERWOOD PARKWAY ~ SUITE 750 ATLANTA, GEORGIA 30339		PROJ. NO: 16-0127
		DRAWN: MJZ				DATE: MARCH 6, 2017
		CHECKED: WJD				SCALE: 1" = 50'
		APPROVED: WJD				DWG. NO: SHEET 8 OF 10
DATE	Δ	DESCRIPTION	LAND LOTS 6, 7 & 27 FAYETTE COUNTY		7TH DISTRICT GEORGIA	
REVISIONS						





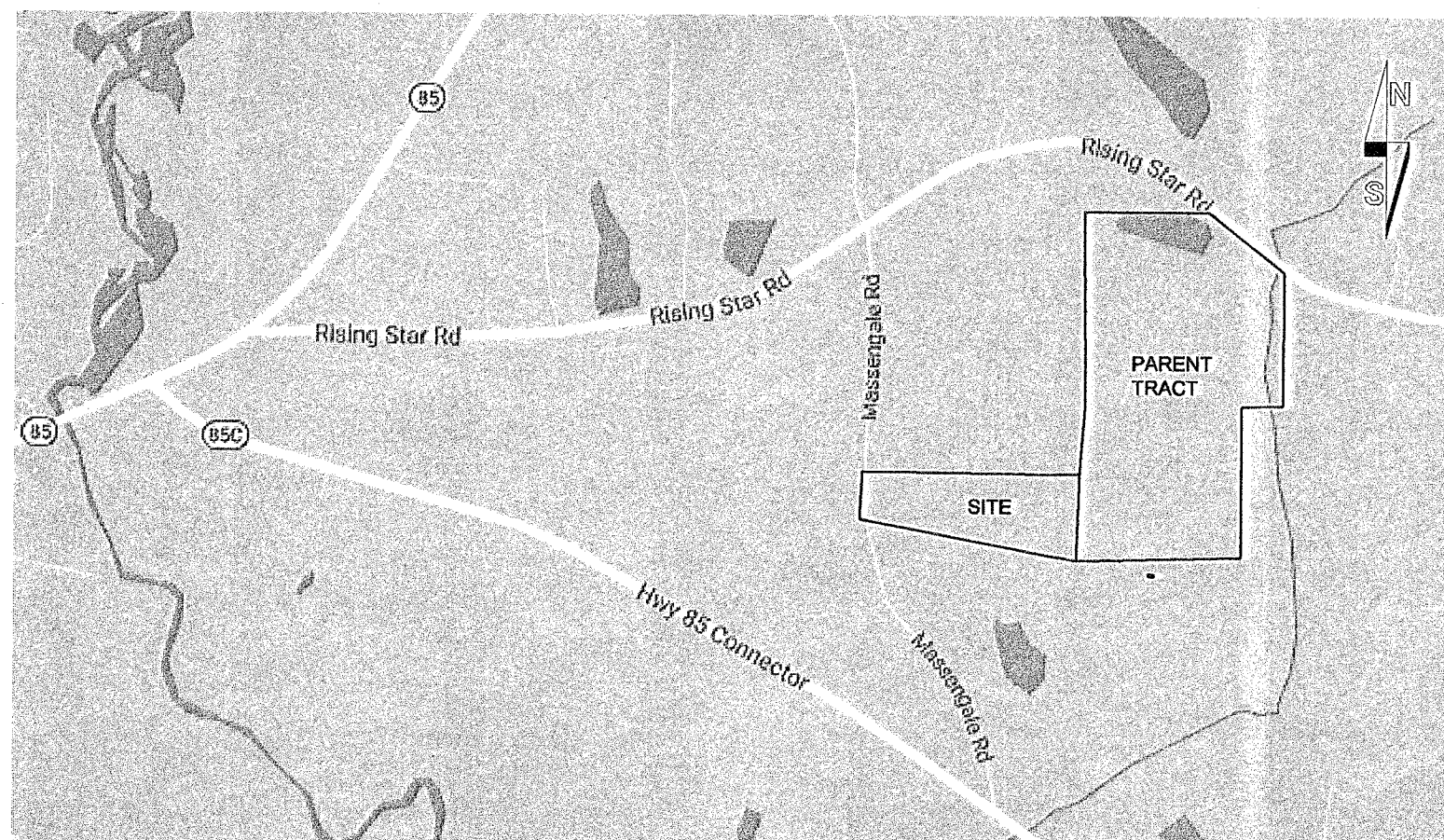






MINOR SUBDIVISION PLAT  
FOR THE  
WILLIAM MERCER MASSENGALE  
DISCLAIMER BY-PASS TRUST

THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT.



VICINITY MAP  
NOT TO SCALE

LEGEND  
RBF=REBAR FOUND  
RBS=REBAR SET  
CTP=CRIMP TOP PIPE  
L.L.=LAND LOT  
L.L.L.=LAND LOT LINE  
P.L.=PROPERTY LINE  
CO=CONSTRUCTION ENTRANCE  
EP=EDGE OF PAVEMENT  
P.O.B.=POINT OF BEGINNING  
B/L=BUILDING SETBACK LINE  
D.E.=DRAINAGE EASEMENT  
N/F=NOW OR FORMERLY  
F.W.P.D.=FIELD WORK  
PERFORMED DATE  
M.F.F.E.=MINIMUM FINISHED FLOOR ELEVATION  
DB=DEED BOOK  
PG=PAGE  
PB=PLAT BOOK  
###=HOUSE NUMBER  
U/P=UTILITY POLE  
R/W=RIGHT OF WAY  
TBM=TEMPORARY BENCHMARK

BALANCE OF THE PARENT TRACT AS PER DEED BOOK 3473,  
PAGES 408-408 TO BE SURVEYED AS A MINOR SUBDIVISION  
PLAT PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT.

GENERAL NOTES

- OWNER:  
THE WILLIAM MERCER MASSENGALE  
DISCLAIMER BY-PASS TRUST  
JAMES RICHARD MASSENGALE, TRUSTEE  
310 HORIZON HILL  
NEWNAN, GA 30265  
404-578-7241
- SURVEYOR:  
S. A. GASKINS & ASSOCIATES, LLC.  
P.O. BOX 321  
BROOKS, GA 30205  
678-571-3054  
rdgaskins79@gmail.com
- TOTAL ACREAGE: 18.869 ACRES  
1 LOT- ZONED A-R  
MINIMUM DIMENSIONAL REQUIREMENTS FOR A-R ZONING DISTRICT  
LOT AREA: 5 ACRES  
LOT WIDTH: 250 FT  
FLOOR AREA: 1,200 SQ FT  
FRONT YARD SETBACK:  
MAJOR THOROUGHFARE  
ARTERIAL: 100 FEET  
COLLECTOR: 100 FEET  
MINOR THOROUGHFARE: 75 FEET  
REAR YARD SETBACK: 75 FT  
SIDE YARD SETBACK: 50 FT
- SEWER TO BE AN ON-SITE SEWAGE DISPOSAL SYSTEM.
- WATER TO BE PROVIDED BY WELL.
- FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN OR THE LACK OF ONE INDICATED ON THIS PLAT.
- THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.
- THERE ARE NO RECORDED EASEMENTS FOUND ASSOCIATED WITH THIS PROPERTY.
- THERE IS NO GROUNDWATER RECHARGE AREA ON THIS PROPERTY.
- 1/2" REINFORCING RODS SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
- ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C0155E, DATED SEPTEMBER 26, 2008 MAP, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.
- THIS RESIDENTIAL LOT HAS A CONTIGUOUS AREA OF 13.706 ACRES THAT IS FREE AND CLEAR OF ZONING BUFFERS AND SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND.
- THERE IS NO VISIBLE CEMETERY OR BURIAL GROUNDS ON THIS PROPERTY.
- THERE ARE NO STATE WATERS ON THIS PROPERTY.
- THERE ARE NO WETLANDS SHOWN ON THE FAYETTE COUNTY GIS MAPS ON THIS PROPERTY.
- THIRTY FEET AS MEASURED FROM THE CENTERLINE SHALL BE DEDICATED TO CREATE A RIGHT OF WAY. SAID RIGHT-OF-WAY SHALL BE INDICATED HEREON AND IS HEREBY DEEDED TO FAYETTE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, AT NO COST TO FAYETTE COUNTY, UPON RECORDEATION OF SAID MINOR SUBDIVISION PLAT INTO THE FAYETTE COUNTY CLERK OF SUPERIOR COURT RECORDS.
- VARIANCE REQUEST SHALL BE OBTAINED FROM THE ZONING BOARD OF APPEALS WITHIN 180 DAYS OF APPROVAL OF THIS PLAT OR THE STRUCTURE SHALL BE REMOVED.
- THIS LOT EITHER CONTAINS OR IS ADJACENT TO A SPECIAL FLOOD HAZARD AREA IDENTIFIED IN THE FAYETTE COUNTY 2013 LIMITED DETAIL FLOOD STUDY. AS REQUIRED BY ART. IV OF THE DEVELOPMENT REGULATIONS, A MINIMUM FINISHED FLOOR ELEVATION IS ESTABLISHED FOR THE LOWEST FLOOR ELEVATION INCLUDING A BASEMENT BY THIS STUDY.

FINAL PLAT APPROVAL CERTIFICATION

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

DATE 5/5/17 SIGNED [Signature]  
ENVIRONMENTAL HEALTH  
SPECIALIST

APPROVED BY FAYETTE COUNTY STORMWATER MANAGEMENT DEPARTMENT

DATE 5-9-17 SIGNED [Signature]  
ENVIRONMENTAL MANAGEMENT DIRECTOR

APPROVED BY FAYETTE COUNTY ENGINEER

DATE 5-11-17 SIGNED [Signature]  
COUNTY ENGINEER

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION 1/1/17

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
SECRETARY.

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR.

DATE 5/5/2017 SIGNED [Signature]  
ZONING ADMINISTRATOR

APPROVED BY FAYETTE COUNTY FIRE MARSHAL

DATE 5/5/17 SIGNED [Signature]  
FIRE MARSHAL

SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY, OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

FINAL SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-6-67).

BY: SWINSON, GASKINS, Sr. GEORGIA REGISTERED LAND SURVEYOR NO.1620

DATE 5, 3, 17

OWNER'S CERTIFICATE

I, THE UNDERSIGNED OWNER/REPRESENTATIVE OF THE WILLIAM MERCER MASSENGALE DISCLAIMER BY-PASS TRUST SUBDIVISION, HEREBY OFFER TO DEDICATE AND/OR RESERVE FOR PUBLIC USE THE RIGHTS-OF-WAY, EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT.

[Signature] DATE 5/5/17  
OWNER

SOIL CLASSIFICATION DELINEATION

I, LARRY F. MCEVER DO HEREBY CERTIFY THAT THE LEVEL III SOIL SURVEY INFORMATION PROVIDED ON THIS PLAT WAS PERFORMED BY RESOURCE ENGINEERS, INC. IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN THE GEORGIA DEPARTMENT OF HUMAN RESOURCES CURRENT MANUAL FOR ON-SITE SEWAGE MANAGEMENT SYSTEMS.

[Signature] DATE May 4, 2017  
SIGNATURE OF SOIL CLASSIFIER  
PROFESSIONAL ENGINEER  
REGISTRATION NO. 912720  
Resource Engineers, Inc.  
8305 Spence Road  
Fairburn, Ga 30213

SURVEY IS VALID ONLY IF PRINT  
HAS ORIGINAL SIGNATURE OF  
SURVEYOR.

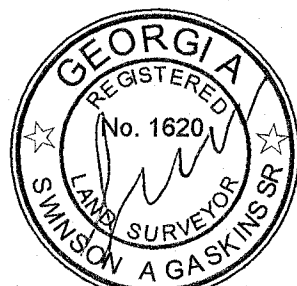
Job No. MASSENGALE

Drawn By: R.D.G. Reviewed By: s.a.g.

Issue Date: 03/21/17

F.W.P.D.: 02/28/17

Revisions Date  
COUNTY COMMENTS 04/18/17



Prepared For:

THE WILLIAM MERCER MASSENGALE  
DISCLAIMER BY-PASS TRUST

Property Location

Land Lot 131 & 132 Of The 4th Land District  
Fayette County, Georgia

S.A. GASKINS &  
ASSOCIATES, LLC

surveyors planners development consultants  
P.O. BOX 321 BROOKS, GA 30205  
678-571-3054  
rdgaskins79@gmail.com

MINOR SUBDIVISION PLAT  
FOR THE  
WILLIAM MERCER MASSENGALE  
DISCLAIMER BY-PASS TRUST

THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT.

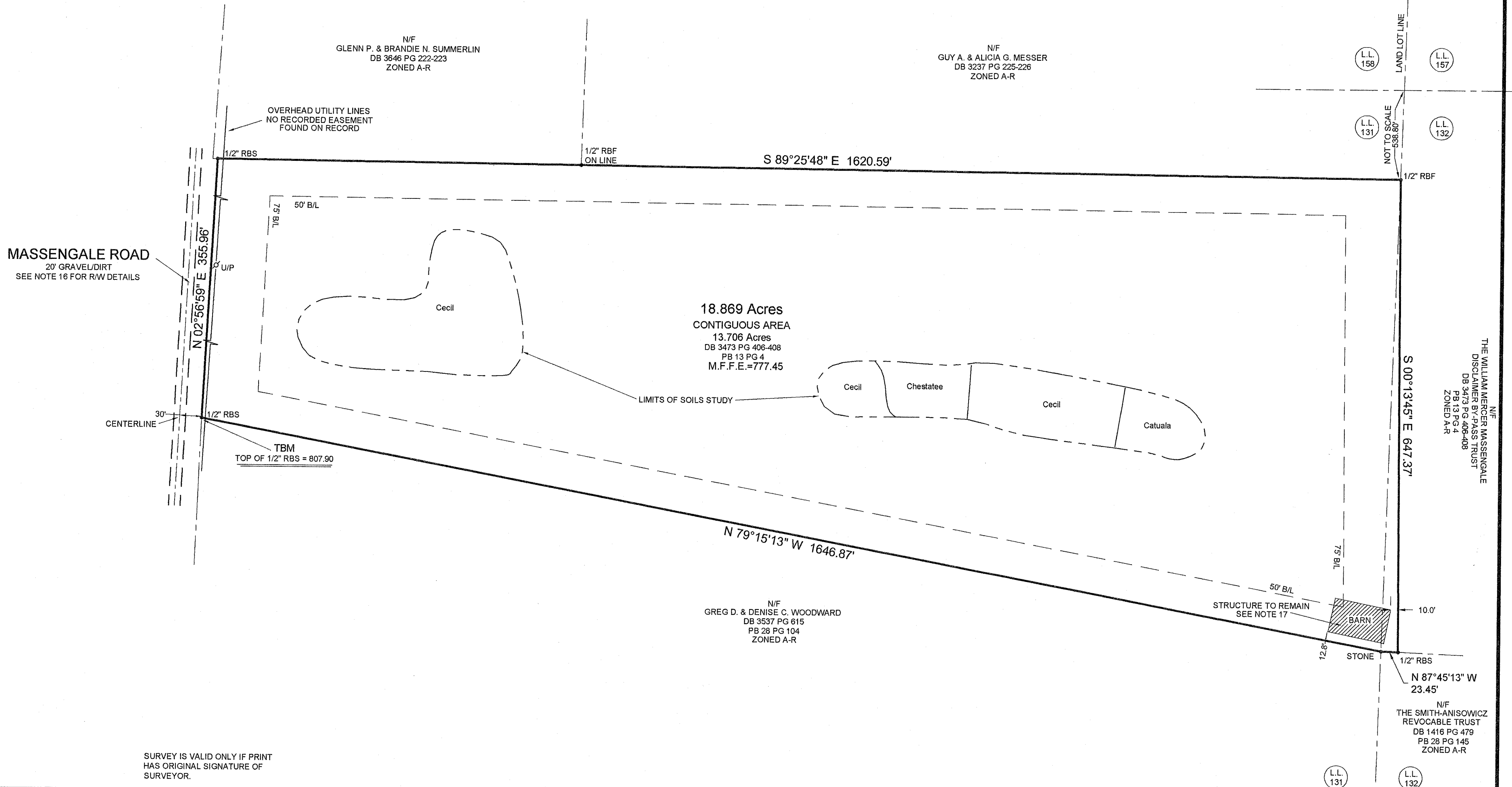
GRID NORTH  
GA WEST ZONE NAD83

CLOSURE STATEMENT  
THE FIELD DATA UPON WHICH THIS PLAT IS  
BASED HAS A CLOSURE PRECISION OF ONE  
FOOT IN 42,167 FEET AND AN ANGULAR ERROR  
OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN  
ADJUSTED USING THE COMPASS RULE  
METHOD.

THIS PLAT HAS BEEN CALCULATED FOR  
CLOSURE AND IS FOUND TO BE ACCURATE  
WITHIN ONE FOOT IN 100,101 FEET.

ANGULAR & LINEAR MEASUREMENTS WERE  
OBTAINED USING A LIECA 403 TCR TOTAL  
STATION

LEGEND  
RBF=REBAR FOUND  
RBS=REBAR SET  
CTP=CRIMP TOP PIPE  
L.L.=LAND LOT  
L.L.L.=LAND LOT LINE  
P.=PROPERTY LINE  
CO=CONSTRUCTION ENTRANCE  
EP=EDGE OF PAVEMENT  
P.O.B.=POINT OF BEGINNING  
B/L=BUILDING SETBACK LINE  
D.E.=DRAINAGE EASEMENT  
N/F=NOW OR FORMERLY  
F.W.P.D.=FIELD WORK  
PERFORMED DATE  
M.F.F.E.=MINIMUM FINISHED FLOOR ELEVATION  
DB=DEED BOOK  
PG=PAGE  
PB=PLAT BOOK  
###=HOUSE NUMBER  
U/P=UTILITY POLE  
R/W=RIGHT OF WAY  
TBM=TEMPORARY BENCHMARK



SURVEY IS VALID ONLY IF PRINT  
HAS ORIGINAL SIGNATURE OF  
SURVEYOR.

Job No. MASSENGALE

Drawn By: R.D.G. Reviewed By: s.a.g.

Issue Date: 03/21/17

F.W.P.D.: 02/28/17

Revisions Date  
COUNTY COMMENTS 04/18/17

PAGE 2 OF 2



Prepared For:

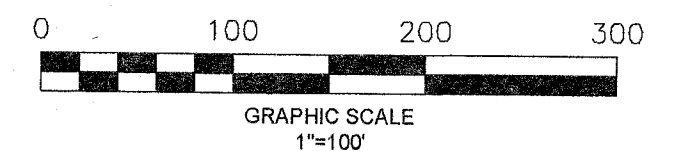
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Property Location

Land Lot 131 & 132 Of The 4th Land District  
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surveyors planners development consultants  
P.O. BOX 321 BROOKS, GA 30205  
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rdgaskins79@gmail.com





**The Ranch House**  
The Ranch House is a proposed community/event center where the public and/or local organizations or reserved groups may gather for group activities, social support, public information, gatherings, etc. It will be a multi-functional facility that will host weddings, receptions, worship gatherings, religious retreats, catering services, recreational activities, volunteer activities and local clubs.

The Ranch House will be a facility built upon servicing and providing for the community.

**The Youth House**  
The Youth House will be a multi-functional facility that will target the younger generation of the community. The Youth House will provide educational, recreational, leadership, and mentorship opportunities. The facility will have classrooms, study rooms, and recreational rooms.

The Youth House will be a facility built upon servicing and providing for the next generation.

**The Woodland Area**  
The woodlands and forested areas along the site could be designed for recreational and passive trails. The designed trails could be educational with signage throughout or they could simply be walking trails that the public could use as passive recreation.

**Native Garden Area/Nursery**  
The native garden could be used as an outdoor classroom where the public could learn about native vegetation and planting/gardening methods.

This area could also be a community garden that would allow the public to plant, grow, and eat their own produce.

**The Farmer's Market**  
The Farmer's Market is an area that is envisioned to be an area of trade learning. Not only would it be an area where the community could actually have farmer's markets, it would also be an area that will promote and engage trade-based learning and skills. Within the market, there are proposed buildings that could be used as offices and/or classrooms that the public could utilize for potential trade shows (work presentations). There is also an area that could house livestock for educational and agricultural purposes.

The Farmer's Market proposes a community space that is really open to interpretation and imagination.

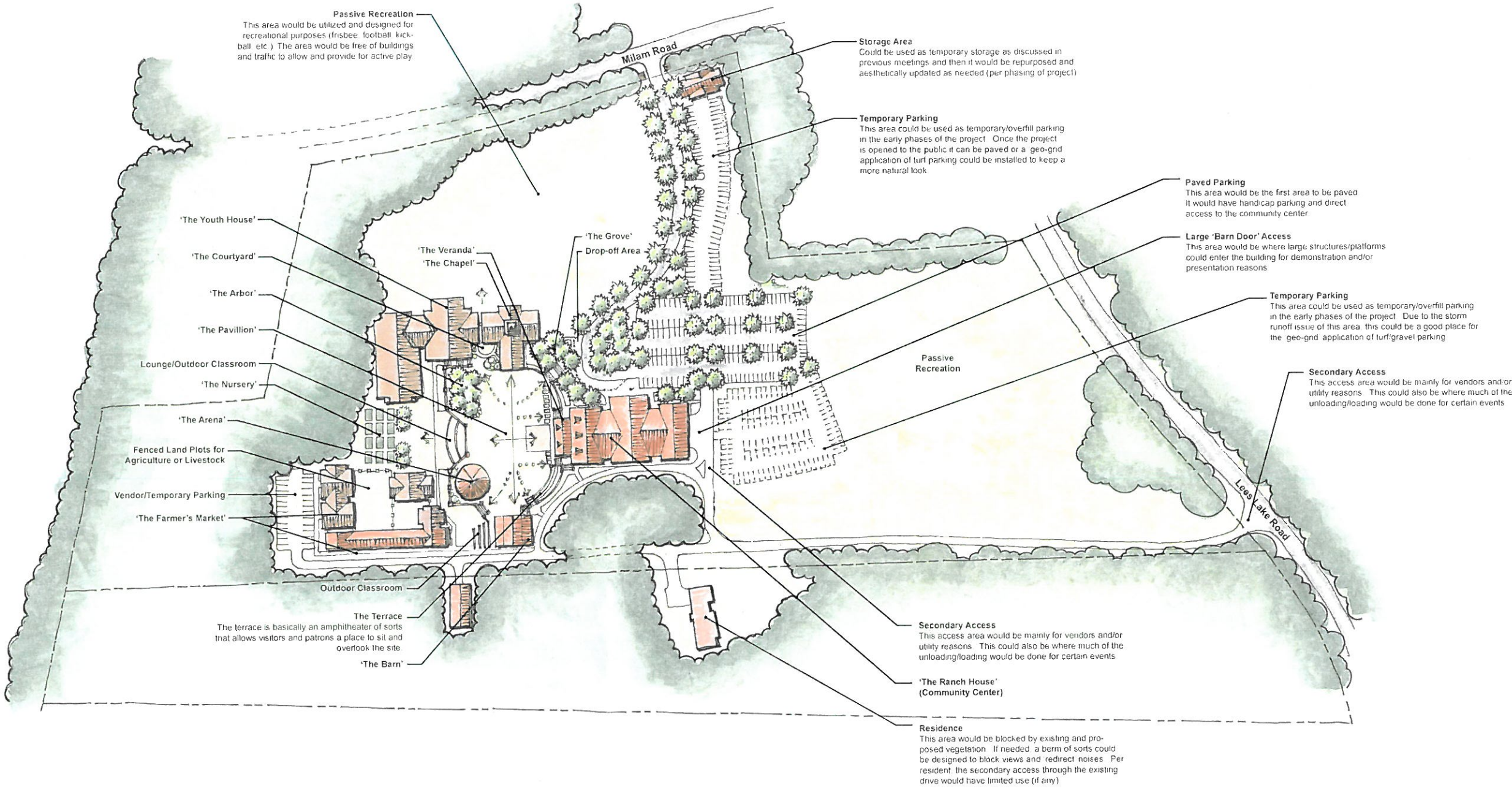
**The Pavilion**  
The Pavilion is the event area of the site. It is enclosed by the Community Center, the Barn, the Veranda, the Arbor, the Courtyard, the Nursery, and the Youth House. It is an area that centralizes the overall use. It presents a visitor/patron with an array of options: visit the native garden, hike a trail, dance at the Arena, enjoy a picnic in the Arbor, or simply sit outside and enjoy the view from the Terrace or within the Veranda.

The Pavilion also has a patio area that would double as a dance floor in the event of a wedding, a reception, or a retreat. The Pavilion offers a venue that would be flexible and useable for most events and services.

**The Chapel**  
The Chapel would be the iconic structure of the site. Not in the sense of its size but in the sense of its simple and natural beauty. The proposed steeple would provide a vertical element to the site that would aid in capturing the eye of the public.

The Chapel would be a partially open-air structure that promotes the views outward. It would be an area that would host weddings, retreat services, baptisms, and/or classes. The Chapel's orientation would be directly in front of the barn and equidistant from the Ranch House. This orientation would help to enclose the Pavilion and allow for a more intimate space.

Being connected to the Youth House, the Chapel would also serve as an area for classrooms, studies, lounge, and the sort.





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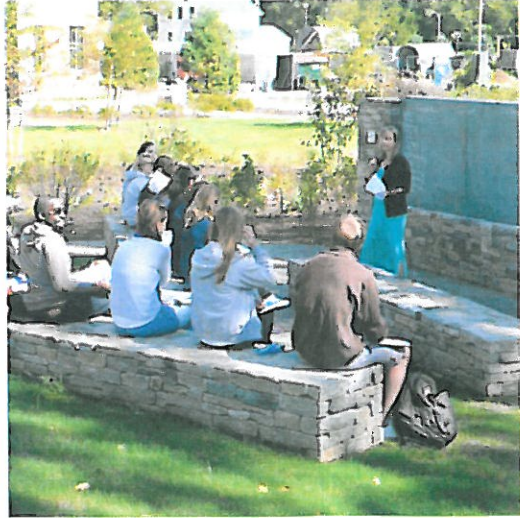
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Community Garden



Outdoor Classroom



Recreational Center



Farmer's Market



Community Garden



Outdoor Classroom



Youth House



Passive Recreational Space



Architectural Precedent



Architectural Precedent



Architectural Precedent



Architectural Precedent





## ARTICLE VII. - ZONING BOARD OF APPEALS<sup>[2]</sup>

Footnotes:

--- (2) ---

**Editor's note**— Ord. No. 2015-06, § 1, adopted March 26, 2015, repealed the former art. VII, §§ 110-238—110-242, and enacted a new art. VII as set out herein. The former art. VII pertained to similar subject matter and derived from Code 1992, §§ 20-9-1—20-9-5; Ord. No. 2012-09, § 5, 5-24-2012; Ord. No. 2013-13, § 1, 9-26-2013.

### Sec. 110-238. - Membership.

- (a) *Membership and appointments.* The zoning board of appeals shall consist of five members residing within the county and shall be appointed by the board of commissioners. None of the board members shall hold any other public office, except that one member may also be a member of the planning commission. The zoning board of appeals members shall be removed by the board of commissioners for cause, upon written charges, and after public hearing. Any member of the zoning board of appeals shall be disqualified to act upon a matter before the zoning board of appeals with respect to property in which the member has an interest. It may be deemed cause for removal should any zoning board of appeals member fail, without proper reason, to attend three consecutive meetings.
- (b) *Term of office.* The term of office for each member of the zoning board of appeals shall be for three years and the member shall remain on the board until reappointed or a successor is appointed. It is the intent of this section that their terms be staggered with no term limitation.
- (c) *Compensation.* The zoning board of appeals members shall receive compensation for their service as determined by the board of commissioners.

(Ord. No. 2015-06, § 1, 3-26-2015)

### Sec. 110-239. - Rules and procedures.

The zoning board of appeals shall elect one of its members as chairperson and another as vice-chairperson, each serving for one year, or until re-elected, or a successor is elected. The vice-chairperson shall have the authority to act as chairperson in the chairperson's absence. The zoning board of appeals shall appoint a secretary who shall be an employee of the county. The zoning board of appeals shall have authority to adopt rules of procedure. Meetings of the zoning board of appeals may be held at the call of the chairperson. The chairperson may administer oaths and compel the attendance of witnesses by subpoena. The zoning board of appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the planning and zoning department and shall be public record. The decisions of the zoning board of appeals shall contain a statement of the subject matter being considered by the zoning board of appeals, and the grounds for its decision reduced to written form. The full text shall be sent to the appellant/petitioner.

(Ord. No. 2015-06, § 1, 3-26-2015)

### Sec. 110-240. - Administrative assistance.

The planning and zoning department shall provide such technical, administrative, clerical assistance, and office space as is required by the zoning board of appeals to carry out its function under the provisions herein.

(Ord. No. 2015-06, § 1, 3-26-2015)

Sec. 110-241. - Public hearing.

(a) *Place, time, and date.* The public hearings shall be conducted as follows:

- (1) Place: the county administrative complex.
- (2) Time and Date: Fourth Monday, 7:00 p.m.

Any changes from the standard schedule for public hearings will be published in the newspaper which carries legal advertisements for the county in compliance with the requirements for public notification as provided herein.

- (b) *Conduct of hearing.* Public hearings shall be conducted with 20 minutes provided for the appellant/petitioner and proponents and 20 minutes provided for the opponents of an appeal/petition. An appellant/petitioner may reserve part of the allotted time for rebuttal.
- (c) *Notice of hearing shall be given.* Before making its decision on an appeal, a request for a variance, or any other matter within the zoning board of appeals' purview, the zoning board of appeals shall hold a public hearing thereon. A notice of the date, time and place of such hearing shall be sent to the appellant/petitioner by certified U.S. mail to the appellant/petitioner's last known address.
- (d) *Public notice in newspaper.* The zoning board of appeals shall cause public notice of the hearing to be published in the legal organ of the county, at least 15 calendar days but not more than 45 calendar days, prior to the date of the public hearing.
- (e) *Posting of signs.*
  - (1) A sign shall be posted on property. One sign is required for each street frontage of said property. The sign shall be posted consistent with the requirements for newspaper notification.
  - (2) Signs used for posting property shall be a minimum of 18 inches by 18 inches and shall indicate the appeal/petition number, the time, date, and place of the hearing.
  - (3) A refundable sign deposit shall be required for each sign at the time of filing the appeal/petition.
- (f) *Who may appear.* Any party may appear at the public hearing in person or by agent or attorney.
- (g) *Zoning board of appeals' decision.* The zoning board of appeals shall approve, deny, or table each appeal/petition by a public vote. An action to table shall include justification of such action and a specific meeting date at which the appeal/petition is to be reconsidered. If there is not a full zoning board of appeals board present at the public hearing, the appellant/petitioner may request to table the appeal/petition to the next zoning board of appeals public hearing, provided the appellant/petitioner requests to table the agenda item prior to the presentation. A new legal advertisement will be required with an announcement to a specific meeting date if an appeal/petition is tabled. The property shall be reposted with new signage indicating the new public hearing dates.
- (h) *Time limit on zoning board of appeals decision.* The zoning board of appeals shall reach a decision following a public hearing within 45 calendar days or the appeal/petition shall be deemed approved.
- (i) *"Writ of certiorari" (appeal).* An appellant/petitioner has 30 calendar days from the date of the zoning board of appeals' decision to seek a "writ of certiorari" (appeal) with the superior court of the county.

(Ord. No. 2015-06, § 1, 3-26-2015)



Sec. 110-242. - Powers and duties.

- (a) *Appeals from actions of the zoning administrator.* The zoning board of appeals shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of these regulations.
- (1) *Who may appeal.* Appeals to the zoning board of appeals may be taken by any person aggrieved by any decision of the zoning administrator. Such appeals, specifying the grounds thereof shall be filed with the planning and zoning department no later than 30 calendar days after the date of notification of the zoning administrator's decision. The zoning administrator shall forthwith transmit to the zoning board of appeals all the papers constituting the record upon which the action appealed from was taken.
  - (2) *Legal proceedings stayed.* An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the zoning board of appeals that by reason of facts stated in the certificate a stay would, in the zoning administrator's opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order from a court of competent jurisdiction.
  - (3) *Extent of the zoning board of appeals' power.* The zoning board of appeals may, in conformity with the provisions of these regulations, reverse or affirm the order, requirement, decision, or determination of the zoning administrator. The zoning board of appeals may direct the issuance of a permit. It shall be the duty of the zoning administrator to carry out the decisions of the zoning board of appeals.
- (b) *Request for a variance .* The zoning board of appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. However, no lot is eligible for a variance for reduction in lot size, lot width, or road frontage, unless the variance request is for an improved illegal lot. A variance shall not be granted for any requirements of a conditional use with the exception of a legal nonconforming conditional use (see article V of this chapter), or a use of land, building, or structure that is prohibited in the zoning district at issue, except as otherwise provided herein. In exercising the powers described in this subsection, the zoning board of appeals shall not consider any nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts as grounds for the issuance of a variance. A variance may be granted in an individual case upon a finding by the zoning board of appeals that all of the following criteria exist:
- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and
  - (2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
  - (3) Such conditions are peculiar to the particular piece of property involved; and
  - (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein; and
  - (5) A literal interpretation of this chapter would deprive the applicant of any rights that others in the same zoning district are allowed.

In addition to the above factors, if the variance being sought is for an improved lot which is smaller than the minimum lot size for its zoning district, more narrow than the minimum lot width required for its zoning district, or has less road frontage than is required for its zoning district and the lot is an illegal lot as opposed to a nonconforming lot, the zoning board of appeals may consider such a lot for a variance.

Should the appellant/petitioner be successful in obtaining a variance, the resulting lot would, for the purposes of this chapter, be deemed to be a nonconforming lot. If the appellant/petitioner successfully passes the above enumerated factors, the zoning board of appeals shall also employ the following factors for an illegal lot seeking to be deemed a nonconforming lot:

- (1) The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;
  - (2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and
  - (3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.
- (c) *Compliance with standards.* Where an appeal/petition to the board is initiated due to an existing violation of this chapter and said appeal/petition is denied, the violation shall be required to be corrected within ~~ten~~ 30 calendar days of such denial, or as specified by the board, if a greater time period is necessary. The maximum extension of the time shall not exceed ~~30~~ 60 calendar days.
- (d) *Forms.* Appeals, requests for variances, or any other matter within the zoning board of appeals' purview shall be made on forms, as applicable, provided by the planning and zoning department; and all information requested on the forms shall be provided by the appellant/petitioner. Forms shall be filed with the planning and zoning department along with the necessary fees. No form shall be accepted by the planning and zoning department unless it contains all pertinent information and is accompanied by the required fee.
- (e) *Request for change of the legal nonconforming use of a structure.* The zoning board of appeals may authorize, upon appeal in specific cases, a change in the legal nonconforming use of a structure in accordance with the provisions herein.
- (f) *Request for extension or enlargement of the legal nonconforming use of a structure.* The zoning board of appeals may authorize upon appeal in specific cases an extension or enlargement of an existing legal nonconforming use which the board is specifically authorized to consider under the terms herein. Said extensions may be granted in an individual case upon a finding by the board that all of the following criteria are present:
- (1) The use is a legal nonconforming use as defined in these regulations; and
  - (2) The legal nonconforming use is in full compliance with all requirements of these regulations applicable to nonconformances; and
  - (3) The extension of said legal nonconforming use will not further injure a permitted use on adjacent property.
- (g) *Continuance of a legal nonconforming use.* The zoning board of appeals may allow a legal nonconforming use to be re-established after discontinuance for six consecutive months where it is deemed by the zoning board of appeals that all of the following criteria are present:
- (1) The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated; and

- (2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use; and
- (3) Adjacent property would not be unduly damaged by such continuance; and
- (4) The use is to be identical to the prior legal nonconforming use.
- (h) *Conditions on approval.* The zoning board of appeals may impose or require conditions, as may be necessary, to protect the health and safety of workers and residents in the community; to protect the value and use of property in the general neighborhoods: and provided that wherever the board shall find, in the case of any approval, that any of the conditions upon which such approval was granted are not being complied with, said zoning board of appeals shall rescind and revoke such approval after giving due notice to all parties concerned and granting full opportunity for a hearing.
- (i) *Limitation on re-applying.* If the decision of the zoning board of appeals is to deny, an application which seeks the same relief in regard to the same property shall not be accepted for a period of ~~six months~~ 180 calendar days following the date of the decision from the zoning board of appeals.

(Ord. No. 2015-06, § 1, 3-26-2015; Ord. No. 2016-08, § 1, 5-12-2016)

Secs. 110-243—110-262. - Reserved.

## ARTICLE IX. - POLICIES, PROCEDURES AND STANDARDS GOVERNING AMENDMENTS<sup>[3]</sup>

### Footnotes:

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**Editor's note**— Ord. No. 2015-06, § 2, adopted March 26, 2015, repealed the former art. IX, §§ 110-290—110-303, and enacted a new art. IX as set out herein. The former art. IX pertained to similar subject matter and derived from Code 1992, §§ 20-11-1—20-11-14; Ord. No. 2012-09, § 6, 5-24-2012.

Sec. 110-290. - Intent.

The purpose of this article is to describe and establish procedures for making changes to the official zoning map (i.e., rezoning of properties) and amending the text of the ordinance from which this chapter is derived. Such actions require legislative approval by the board of commissioners in order to be enacted.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-291. - Technical evaluation and qualification of properties.

- (a) Every petition for a legislative change shall be subject to a technical evaluation. The evaluation shall be conducted by the planning and zoning department which shall coordinate a review of the proposal with all appropriate county departments and public agencies. Following the evaluation, a report shall

be prepared by the planning and zoning department containing recommendations to be presented to the planning commission and the board of commissioners.

- (b) The planning and zoning department shall distribute copies of applications for amendment to the planning commission and the board of commissioners. In addition, ~~the appropriate county departments and public agencies members of the technical review committee (TRC)~~ shall be supplied with copies of each application. Each department head or his/her designee shall return his/her comments, in writing, to the planning and zoning department per the deadline established by the planning and zoning department.
- (c) Any lots affected by proposed rezonings which are initiated by a party other than the board of commissioners shall each be of sufficient size and shape to meet all requirements of this chapter, except as otherwise provided in article V of this chapter. Combination or division of lots, in accordance with county regulations, shall be accomplished as a condition of approval prior to the approval of any permits or applications.
- (d) A property improved with existing structures which would become nonconforming within the zoning district for which the rezoning is sought may be considered for rezoning (see article V of this chapter).

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-292. - Public hearings.

- (a) *Date, place, and time.* The public hearings shall be conducted as follows:
  - (1) Place: the county administrative complex.
  - (2) Time and date:
    - a. Planning commission: First Thursday, 7:00 p.m.
    - b. Board of commissioners: Second and fourth Thursdays, ~~7:00~~ 6:30 p.m. Any changes from the standard schedule for public hearings will be published in the newspaper which carries legal advertisements for the county in compliance with the requirements for public notification as provided herein.
- (b) *Conduct of hearing.* Public hearings on amendments shall be conducted with ~~20 minutes the opportunity provided~~ for the applicant and proponents and ~~20 minutes provided for~~ the opponents of an ~~application for rezoning amendment to speak~~. An applicant ~~may reserve part of the~~ shall be given ~~allotted time~~ the opportunity for rebuttal. ~~The board of commissioners and planning commission may establish time limits through their individual adopted rules of procedure and such time limit shall not be less than 15 minutes.~~
  - (1) *Decisions.* Recommendations of the planning commission and decisions of the board of commissioners on applications for rezonings shall be made subsequent to the public hearings.
  - (2) *Minutes.* The minutes of any public hearing shall be maintained with the zoning decision entered thereon. The minutes shall be kept as public records.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-293. - Initiation of amendments.

Applications to amend the text of this chapter may be initiated by the planning commission, the board of commissioners, staff, or by a member of the general public. The planning commission, the board of commissioners, a property owner, or the authorized agent of a property owner may initiate an application to amend the official zoning map (rezone property). When an agent is authorized to act on behalf of an

owner, such certificate of authorization shall be notarized on the rezoning application. All information and required fees shall be received by the planning and zoning department by the deadline date for filing.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-294. - Limitation on re-applying and withdrawal.

If the zoning decision of the board of commissioners is to deny a rezoning of property, then an application for the same property may not be re-submitted for rezoning until the expiration of at least ~~six months~~ 180 calendar days immediately following the date of denial. An application for a map amendment shall not be withdrawn by the applicant after the legal advertising as required herein, except as provided herein.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-295. - Appeal.

An applicant has 30 calendar days from the date of the board of commissioners rezoning decision to file an appeal with the superior court of the county.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-296. - Application for amendment.

Any citizen filing an application to amend the text or the official zoning map may obtain an application from the planning and zoning department, applications to amend the text or the official zoning map shall be submitted on forms, as applicable, provided by the planning and zoning department.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-297. - Planning commission recommendation.

- (a) The planning commission shall make a recommendation of approval, denial, table, or withdrawal without prejudice on each application.
  - (1) An action to table shall include a justification of such action and a specific public hearing date at which the application is to be reconsidered.
  - (2) If there is not a full board present at the public hearing, the petitioner may request to table the petition to the next planning commission public hearing, provided the petitioner requests to table the agenda item prior to the presentation. Only one such request may be made.
  - (3) When an application is tabled, a new legal advertisement will be required stating the new public hearing dates and the property shall be reposted with new signage indicating the new public hearing dates.
  - (4) The planning commission may recommend amendments to the applicant's request which would reduce the land area of a rezoning petition (where possible with a legal description only), or change the zoning district requested to one which is less intense, and recommend conditions which may be deemed advisable so that the purpose of this ordinance will be served and the public health, safety, and welfare secured.
- (b) A resolution of the planning commission's recommendation shall be submitted to the board of commissioners. The resolution shall contain the recommendation of the planning commission, all

grounds therefor, and shall be signed and approved by the chairperson or vice-chairperson of the planning commission.

- (c) If the planning commission fails to submit a report within 100 calendar days from the date of the acceptance of the completed amendment application, the application shall be forwarded to the board of commissioners with a positive recommendation. Actions of the planning commission which contribute to the delay, such as the lack of a quorum or a tabling of the petition initiated by the planning commission, shall count toward the 100 calendar days. Actions by the petitioner, such as a request to table or a request to table where there is less than a full board present, shall not count toward the 100 calendar days.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-298. - Public hearing before the board of commissioners.

- (a) After receipt of the planning commission's resolution and recommendation on the proposed amendment, the board of commissioners shall hold a public hearing. The board of commissioners may approve, deny, table an application or allow an application to be withdrawn without prejudice with regards to the waiting period required by a denial.
  - (1) An action to table shall include a justification of such action and a specific public hearing date at which the application is to be reconsidered.
  - (2) If there is not a full board present at the public hearing, the petitioner may request to table the petition to the next board of commissioners' public hearing, provided the petitioner requests to table the agenda item prior to the presentation. Only one such request may be made.
  - (3) When an application is tabled, a new legal advertisement will be required stating the new public hearing dates and the property shall be reposted with new signage indicating the new public hearing dates.
  - (4) The board of commissioners may approve an amendment to the applicant's request which would reduce the land area of a rezoning petition (where possible with a legal description only), or change the zoning district requested to one which is less intense, and recommend conditions which may be deemed advisable so that the purpose of this ordinance will be served and the public health, safety, and welfare secured.
- (b) The decision of the board of commissioners shall be contained in a resolution. The resolution shall contain the decision of the board of commissioners, all grounds therefor, and shall be signed and approved by the chairperson or vice-chairperson of the board of commissioners. The clerk shall provide a copy of the resolution to the planning and zoning department, which copy shall become a part of the application file, and shall send one copy to the applicant by certified mail.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-299. - Conditional approval.

Any application for an amendment may be approved subject to conditions which relate to the ~~use, occupancy, or development of the~~ property contained in the petition. Conditions imposed on the property may only be more restrictive than the requirements of any zoning district and other applicable parts of this chapter as may apply to the property. The following policies shall apply:

- (1) *Consent not required.* Approval of applications subject to conditions may occur with or without the consent of the applicant.
- (2) *Conditions shall be permanent.* All conditions imposed by action of the board of commissioners shall remain on the subject property regardless of changes in ownership.

- (3) *Changes to conditions.* Conditions shall be changed only through the amendment process by which they were established.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-301. - Public notification.

- (a) *Newspaper.* Notice of scheduled hearings shall be published in the newspaper of general circulation within the county in which are carried the legal advertisements of the county.

- (1) The notice shall be published at least seven days prior to the public hearing before the planning commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public hearing before the board of commissioners. In the event that the time-frames above cannot be met with one advertisement, the notice shall be published twice.
- (2) The notice shall contain the dates of the public hearings before the planning commission and the board of commissioners.
- (3) Public notification shall include at a minimum the time, date, place, purpose of the hearing, location, boundary description, area of the property, and the current and requested zoning classifications.

- (b) *Posting of signs.*

- (1) A sign shall be posted on property for which the rezoning is sought. One sign is required for each street frontage of said property. The sign shall be posted consistent with the requirements for newspaper notification.
- (2) Signs used for posting property shall be a minimum of 18 inches by 18 inches and shall indicate the application number, the time, date, place, purpose of the hearings, and the current and requested zoning classifications.
- (3) A refundable sign deposit shall be required for each sign at the time of application for rezoning.

- (c) *Applicant notification.*

- (1) Upon certification by the planning and zoning department that an application is complete, a notice giving the date, time, and place of the public hearings shall be provided by certified mail to the applicant.
- (2) The clerk to the board of commissioners shall notify the applicant by mail of any action (including tabling of action) taken by the board of commissioners. All actions of the board of commissioners shall be deemed to be effective as of the date of the action.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-302. - Zoning reversion.

Within three years of the date of rezoning, rezoned property shall be utilized for uses allowed in the new zoning district or substantial development shall be demonstrated toward such utilization. Failure to so utilize or demonstrate substantial development may subject the property to consideration for reversion to the previous zoning classification. In such event, public hearings shall follow the established procedures for rezoning petitions herein and a final decision shall be rendered by the board of commissioners.

(Ord. No. 2015-06, § 2, 3-26-2015)

Sec. 110-303. - Responsibilities of the ~~zoning administrator~~ planning and zoning department.

The planning and zoning department shall have the following responsibilities associated with receiving and processing all amendment applications:

- (1) Receive all applications and supporting information and collect all fees at the time of initial filing;
- (2) Maintain a log of all applications;
- (3) Return incomplete applications and all supporting information to the applicant upon determination that an application is incomplete with reasons for the determination;
- (4) If the application is complete, issue a notice that lists the dates, times, and places of all hearings that are scheduled for the application;
- (5) Establish and maintain a file for each application which shall contain:
  - a. Copies of all materials submitted by the applicant;
  - b. Correspondence, records, reports, and exhibits produced during processing;
  - c. Minutes and all actions taken by the planning commission and the board of commissioners on an application; and
  - d. All follow-up activities, if any, including re-filing of additional requests, copies of citations or violations and any other significant materials.
- (6) Prepare a map for all map changes (rezoning), which shall show the location and dimensions of the subject property of the petition, all properties within at least 1,000 feet of the subject property, and the zoning districts thereon;
- (7) Transmit to the appropriate departments within five working days after the deadline for submissions, all materials to be evaluated;
- (8) Schedule and provide notice for all public hearings, including the posting of the property, as required herein;
- (9) Transmit the recommendation of the ~~staff and~~ planning commission to the board of commissioners ~~at least 14 calendar days prior to the scheduled public hearing before the board~~



~~of commissioners~~ per the agenda request procedure established by the board of commissioners; and

(10) Update the official zoning map.

(Ord. No. 2015-06, § 2, 3-26-2015)

Secs. 110-304—110-324. - Reserved.

## ARTICLE X. - PLANNING COMMISSION

Sec. 110-325. - Planning commission.

The planning commission consists of that body of members appointed by the board of commissioners to carry out the directives of this and other ordinances and to carry out any other duties which may from time to time be assigned to the planning commission by the board of commissioners.

- (1) *Membership and appointments.* The planning commission shall consist of five members residing within the county and shall be appointed by the board of commissioners of the county. None of the planning commission members shall hold any other public office, except that one member may also be a member of the zoning board of appeals. The planning commission members shall be removed by the board of commissioners for cause, upon written charges, and after public hearing. Any member of the planning commission shall be disqualified to act upon a matter before the planning commission with respect to property in which the member has an interest. It may be deemed cause for removal should any planning commission member fail, without proper reason, to attend three consecutive meetings.
- (2) *Term of office.*
  - a. The term of office for each member of the planning commission shall be three years ~~and the member shall remain on the board until reappointed or a successor is appointed.~~ It is the intent of this section that the terms be staggered with no term limitation.
  - ~~b. A vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.~~
- (3) *Officers; rules and procedures; minutes.*
  - a. The planning commission shall elect one of its members as chairperson and another as vice-chairperson, each serving for one year or until re-elected or a successor is elected. The vice-chairperson shall act as chairperson in the chairperson's absence. The planning commission shall appoint a secretary who shall be an employee of the county.
  - b. The planning commission shall have the authority to adopt rules of procedure.
  - c. Meetings of the planning commission shall be held at the call of the chairperson and as scheduled.
  - d. The planning commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if they are absent or fail to vote, indicating such fact. The planning commission shall keep records of its examinations and other official actions all of which shall be immediately filed in the ~~planning and zoning department office of the planning commission (zoning administrator's office)~~ and shall be public record.

- (4) *Conflict of interest.* Any member of the planning commission shall be disqualified to act upon a matter before the planning commission with respect to property in which the member has an interest.
- (5) *Attendance.* It may be deemed cause for removal should any member of the planning commission fail, without proper reason, to attend three consecutive meetings.

(Code 1992, § 20-12-1; Ord. No. 2010-11, § 12-1, 12-9-2010; Ord. No. 2013-15, § 1, 10-24-2013)

Secs. 110-326—110-353. - Reserved.

**This section is to be added in its entirety.**

Sec. 110-149. - Planned unit development.

(d) Planned residential and business development.

- (1) Purpose. The intent of a planned residential and business development (PRBD) is to allow mixed-use development with principal single-family residential and incidental business uses **and through the use of large lots and the preservation of existing single-family dwellings maintain rural character**. The characteristics of a PRBD are: in conjunction with a principal residence the occupant conducts on-site business operations, clients/customers visit the site, receipt and shipments of goods occur, and non-occupant employees will be on site.
- (2) Permitted residential uses and structures. Planned residential and business development shall contain single-family dwellings and residential accessory structures and uses shall also be allowed per article III of chapter 110. The summary of intent shall specify the minimum floor area ~~proposed for~~ **of existing** the single-family dwellings. In addition, a home occupation is allowed per article V of chapter 110
- (3) Permitted business uses and structures. A list of proposed business uses shall be submitted with the summary of intent. Only those business uses approved through the rezoning process shall be allowed in the PRBD. Any approved business that is listed as a conditional use in Article V shall meet the conditional use requirements, as is applicable. The summary of intent shall specify the list of proposed businesses, number of proposed on-site employees per business, and the number, size, height and architectural character of the business structures proposed for the individual businesses in the PRBD. **The architectural character of the business structures shall be agricultural in nature with roof types including hip, gambrel and gable. Appropriate facades shall include fiber-cement siding, wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or finished/baked enamel aluminum/metal siding which establishes a horizontal pattern.**
- (4) Business vehicles. The summary of intent shall specify the type, size and number of business vehicles and trailers proposed per business in the PRBD and the anticipated frequency of business vehicular trips. Motor vehicles cannot exceed two axles, 22 feet in length, ten feet in height, and/or 8,000 pounds (curb weight). Vehicles that exceed these parameters shall be allowed only during business hours (see o. below) and only for the purpose of making deliveries, making pickups, and providing services.
- (5) Minimum dimensional and other requirements in the PRBD shall be as follows:
  - a. Development size: 75 contiguous acres
  - b. The proposed development shall be permitted only on a lot which fronts on and accesses a major thoroughfare, as specified by the county thoroughfare plan.
  - c. A minimum buffer of 100 feet shall be provided around the side and rear periphery of the development (see Sec. 110-94).
  - d. Minimum lot size: 15 acres.
  - e. Minimum lot width: 250 feet
  - f. Front yard setback: 75 feet
  - g. Side yard setback: 50 feet (except where the 100 foot buffer is applicable)
  - h. Rear yard setback: 75 feet (except where the 100 foot buffer is applicable)
  - i. **New single-family dwelling minimum floor area: 2,100**
  - j. Height limit: 35 feet

- k. Lights shall be established in such a way that adjacent properties and residents are not adversely affected, and that no direct light is cast upon said properties and residents.
- l. ~~The business shall be owned and operated by the occupants of the property upon which the business operation is conducted.~~ The operator of the business shall be one of the following:
  - 1. The business operator is the owner/occupant of the property and the business is not owned by a corporation or partnership; or
  - 2. The property and business is owned by a corporation or partnership in which case the operator /occupant shall be an officer of the corporation or a partner in the case of a partnership.
- m. No more than five (5) persons shall be employed on-site by a business, not including the owner/occupants.
- n. All structures associated with the business are allowed in the rear yard only behind the principal residence and must be fully enclosed and shall not be used for any residential purposes. Business structures shall not be located within 100 feet of the principal residential structure.
- o. All vehicles associated with the business must be parked in the rear yard only.
- p. The hours of operation, in the context of clients/customers shall be limited to 9:00 a.m. to ~~7:00~~ 5:00 p.m., Monday through Saturday.
- q. All materials, equipment, supplies, and inventory associated with the business shall be stored, operated and maintained within the business structure. Semi-trailers or shipping containers cannot be used for storage.
- r. Stormwater Requirements: In the event that 5,000 or more square feet of impervious surface (including driveways and parking for the business) is added in conjunction with a business structure, a site plan compliant with stormwater requirements of the county development regulations shall be required for that lot. The lot will be exempt from site plan requirements, the nonresidential development landscape requirements and tree retention, protection, and replacement requirements of the county development regulations.  
  
In the event that the property is subdivided with an internal street, the development shall comply with stormwater requirements of the county development regulations, as applicable.
- s. Adequate off-street parking shall be required. A prepared surface is required for the parking areas. The parking area shall comply with Article VIII. - Off-Street Parking and Service Requirements of the Development Regulations and must be depicted on a sketch, drawn to scale on a survey of the lot. Gravel parking areas shall be exempt from Nonresidential Development Landscape Requirements of the Fayette County Development Regulations. The following is required for gravel parking areas:
  - (i) Exterior and interior parking aisles shall be terminated at both ends by a landscape island.
  - (ii) Landscape islands shall be provided for each 150 feet of continuous parking length.
  - (iii) One (1) canopy tree, six (6) feet high at planting, is required per landscape island.
 Paved parking areas shall meet the Nonresidential Development Landscape Requirements of the Fayette County Development Regulations.
- t. Signage on individual lots shall be regulated under Sec. 108-135. - Residential freestanding signs.(a). Signage located at the entrance of a subdivision served by an internal local road shall be regulated under Sec. 108-135. - Residential freestanding signs.(b)

